

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:

HENRY GLEES,

Complainant,

and

**PROFESSIONAL TRANSPORTATION,
INC.,**

Respondent.

**Charge No. 2008CF0717
EEOC No. N/A
ALS No. 09-0462**

Judge Reva S. Bauch

RECOMMENDED ORDER AND DECISION

This matter is before the Commission on Respondent's Motion to Dismiss Complainant's Complaint ("Motion") for lack of jurisdiction. Although given an opportunity to respond, Complainant failed to do so. Notwithstanding the same, the Respondent filed a short Reply. This matter is ready for disposition.

The Illinois Department of Human Rights ("Department") is an additional statutory agency that has issued state actions in this matter. Therefore, the Department is an additional party of record.

Determination

The Complaint failed to file a request for review of the Department's dismissal of Complainant's charge for lack of substantial evidence. Complainant had no authority to file a Complaint before the Commission. Thus, the Commission has no jurisdiction over the Complaint, and it must be dismissed, with prejudice.

Findings of Fact

1. On September 25, 2007, Complainant filed a Charge (No. 2008CF0717) with the Department.

2. On February 19, 2008, the Department issued a Notice of Dismissal For Lack of Substantial Evidence ("Notice of Dismissal").
3. The Notice of Dismissal notified Complainant that he had the right to seek review of the dismissal by filing a request for review with the Commission by March 25, 2008.
4. Complainant never filed a request for review.
5. On August 27, 2009, eighteen months after his charge was dismissed with the Department, Complainant filed a Complaint with the Commission.
6. My order of November 18, 2009 set a briefing schedule for this Motion.
7. Complainant has failed to file a response brief.

Conclusions of Law

1. Complainant is an individual claiming to be aggrieved by a violation of the Illinois Human Rights Act, ("Act"), 775 ILCS 5/1-102 *et seq.*
2. The Commission has the authority to determine whether jurisdiction over the Complaint exists.
3. Complainant failed to file a timely request for review of the Department's finding of no substantial evidence.
4. There is no authority that permits Complainant to file the instant Complaint with the Commission.

Discussion

The Complainant is not properly before the Commission. Before a Complaint can be filed with the Commission, there must be a finding of substantial evidence. Here, the Department issued a Notice of Dismissal because it found there was no substantial evidence. Thereafter, Complainant failed to timely file a request for review of the dismissal of his charge for lack of substantial evidence. The Department has dismissed the charge, with prejudice.

Recommendation

For the foregoing reasons, Complainant's Complaint is not properly before the Commission. I recommend that the Commission dismiss the Complaint, with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
REVA S. BAUCH
DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW DIVISION

ENTERED: January 28, 2009